IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

TUESDAY THE TWENTY SECOND DAY OF JUNE

TWO THOUSAND AND FOUR

: PRESENT :

THE HON'BLE MR.JUSTICE **BILAL NAZKI**

AND

THE HON'BLE MR.JUSTICE **P.S. NARAYANA**

W.P. No. 3989 of 2004

Between:

M/s. Deccan Cements Limited,. 6-3-666/B, Somajiguda, Hyderabad 500 082, rep.by its General Manager & Company Secretary, MR.R. Gopalakrishnan

Petitioner

AND

1. The Assistant Commissioner (CT) LTU, Nalgonda
2. The Appellate Deputy Commissioner (CT) Hyderabad Rural Division, Hyderabad
3. The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, or order or direction setting aside the assessment order of the 1st respondent dated 5-12-2003 for the assessment year 2001-2002 as confirmed by 2nd respondent by order dated 4-2-2004 and consequently declare that the petitioner is entitled to avail sales tax deferment on the sales of cement per se irrespective of type of cement as per the final eligibility certificate dated 6-6-2000 as clarified by revised final eligibility certificate dated 11-12-2002 .

The petition coming on for orders as to admission, upon perusing the petition and the affidavit filed therein and upon hearing the arguments of MR. P. Srinivasa Reddy Advocate for the petitioner and G.P. for Commercial Taxes on behalf of the respondents.

The Court made the following

ORDER:

"Heard learned counsel for the parties.
We think it appropriate to summon the record from the Department of Industries regarding the certificate issued by Commissioner of Industries on 11-12-2002. The Government pleader for Commercial Tax is present. Record shall be produced by him on the next date of hearing.
List on 29-6-2004."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Assistant Commissioner (CT) LTU, Nalgonda
2. The Appellate Deputy Commissioner (CT) Hyderabad Rural Division, Hyderabad
3. The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad
4. Two CCS to the G.P.for Commercial Taxes , High Court of A.P. Hyderabad(BY SPECIAL MESSENGER)(Along with a copy of petition and affidavit)
6. One Spare Copy

YVN

HIGH COURT

YVN
DRAFTED ON: 25-6-2004

BNJ
&
PSNJ

DATED: 22-6-2004

NOTE:LIST ON 29-6-2004

ORDER
W.P.NO. 3984 OF 2004

DIRECTION